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Polyamorous Parenting – Stigma, Social Regulation and Queer Bonds of

Resistance

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Abstract

As a response to the greater visibility of alternative relationship and family forms, polyamory (i.e. the practice of consensual multi-partner relationships) has recently moved to the centre of public media attention. Questions of polyamory have emerged as a major concern within law, social policy, family sociology, gender and sexuality studies. Yet certain core issues have remained underexplored. This includes the distinctive nature of polyamorous intimacy, the structure of poly household formations and the dynamics of care work within poly families. In particular, poly parenting has been subject to tabooisation and scandalisation. Governing bodies, the judiciary and educational institutions have remained largely ignorant of polyamorous relationships. Research documents the exclusions of poly families (and individuals) from access to legal provisions and protections and their common discrimination in the courts, namely in custody cases. It further highlights the discrimination of poly-identified adolescents in school and college settings and the predicament that poly families face when interacting with public institutions (including schools and kindergartens). Insights into parenting practices and the organisation of childcare is vital for understanding the transformative potential of polyamorous ways of relating. It is also important for challenging the common demonisation and stigmatisation of polyamory within conservative family politics that perceives polyamory exclusively from a harm perspective. This paper will review and critically analyse existing research on poly parenting focussing on three dimensions: (a) parenting practices, (b) social and legal discrimination, and (c) parental response to stigmatisation. The paper argues for a stronger incorporation of queer perspectives within the guiding frameworks of research into parenting in consensually non-monogamous and polyamorous relationships to highlight the transformative potential of the 'queer bonds' that sustain many of these practices.

Keywords: polyamory, consensual non-monogamy, parenting, mononormativity, stigma, citizenship, queer bonds

As a response to the greater visibility of alternative relationship and family forms, polyamory (i.e. the practice of consensual multipartner relationships) has recently moved to the centre of public media attention. Questions of polyamory have emerged as a major

concern within law, social policy, family sociology, gender and sexuality studies. Polyamory is a relatively novel term (Zell 1990). While early discussions about it remained limited to the small circles of counter-cultural settings and internet fora, a series of popular press books has been pouring out since the 1990s. More academic research publications have been emerging since the mid-2000s. The bulk of the literature documents research in Europe, North America and other colonial settler societies, while debates on polyamory in other regions have not yet been extensively analysed. Dominant themes explored in poly research include the following: identities and identification, styles of love and intimacy, negotiation and boundary management, emotions, language innovation, gender politics, socio-legal marginalisation and the racialisation of discourses on non/monogamy (see Barker and Langdridge 2010, Klesse 2018). Despite the consolidation and impressive diversification of research into polyamory and consensual non-monogamies (CNMs), there remain gaps in the literature. Parenting is one of these gaps. Only scarce knowledge is available on poly parents, their families, children and child-rearing practices (Pallotta-Chiarolli et al. 2013).

Parenting in non-monogamous or multipartner relationships is a controversial and thoroughly tabooed issue. Due to the fear of hostility and repercussion (such as heightened scrutiny and interference by child protection services), parenting and childcare issues have been absent from most of the early discussions of polyamory and only some pioneering poly authors have addressed the childrearing practices of poly families (Easton and Liszt 1997, West 1996, Anapol 1992). In-depth research only emerged in the mid-2000s with the first – and so far only – larger studies in the United States and Australia being published after the closure of the first decade of the 21st century. The following material on polyamory and

parenting is currently available: (a) a handful of larger studies (Goldfeder and Sheff 2014, Sheff 2010, 2011, 2014, Pallotta-Chiarolli 2010a, 2010b, Pallotta-Chiarolli et al. 2013) and a number of articles on more recent innovative small scale qualitative research (Schadler 2015, Raab 2016, 2017, 2018), (b) a growing number of guidebook literature that contains discussions on poly families and poly parenting (Easton and Liszt 1997, Taormino 2008, West 1996, Matik 2007, Veaux and Rickert 2014), (c) some autobiographical narratives on poly parenting or the experience of being raised in poly families (Iantaffi 2006, Smith 2015), and (d) narratives from within popular culture (novels, TV and cinema films, etc.) (see Pallotta-Chiarolli 2010a for an overview).

In this article, I will primarily look at the first two sets set of sources (i.e. research), occasionally drawing on some discussion of guidebooks and autobiographical texts. My intention is to provide a diagnostics of the socially produced problems that shape the experience of parenting within consensually non-monogamous relationship settings. I would further like to stress the achievements of pioneering research and identify gaps worthwhile being explored in the future.

Understanding parenting practices and the organisation of childcare is vital for challenging the common stigmatisation of polyamory within – or its erasure from – conservative family politics that perceive polyamory exclusively from a harm perspective. In this paper, I will review and critically analyse existing research on poly parenting focussing on three dimensions: (a) parenting practices (b) social and legal discriminations and (c) parental responses to stigmatisation. I will argue for a stronger incorporation of queer perspectives within the guiding frameworks of research into poly parenting that may help to articulate the transformative potential of the ‘queer bonds’ that sustain many of these practices.

Pioneering Studies: the work of Elisabeth Sheff and Maria Pallotta-Chiarolli

Pathbreaking and pioneering research into poly families has been conducted by Elisabeth Sheff in the United States and Maria Pallotta-Chiarolli in Australia. Sheff has published a series of articles (Sheff 2005, 2006, 2011) which culminated in the publication of her monograph *The Polyamorists next Door*. Here she documents research conducted in three waves since 2006 which is based on participant observation involving more than 500 participants and 131 interviews, including adults and children (for details see 2014: 292-294). A striking achievement of Sheff's study is that she also managed – after years of struggle – to gain ethical approval for conducting interviews with children (and their close parents and carers) in the third wave of data collection in 2010-2012. Twenty-two children participated in the study (Goldfeder and Sheff 2013). Major research sites included the mid-West and one in the California bay area (2010: 169/170). As in many polyamory research project samples, participants were predominantly white, highly educated with high incomes (for alternate settings, see Pérez Navarro 2017).

Sheff (2014) frequently points to parallels between the experiences by LGB parents and poly parenting families and even sets LGB parents up as a group for comparison. Reflecting on her sample, Sheff (2014:75) states:

‘While polyamorous communities have tremendous overlaps with some sexual minorities, they also lack significant intersection with others that initially appear as affiliates. (...) Even with all these similarities, there is a glaring absence of lesbians and gay men in the mainstream polyamorous subculture’.

Biphobia within lesbian communities and the prevalence of largely self-sufficient networks of CNM within gay male culture are among the reasons considered by Sheff to explain these splits. Although research suggests that certain poly communities predominantly composed of heterosexual people and polyamory is not common identity label in certain gay male or lesbian cultures, it has been noticed that CNM is a common practice in some non-heterosexual communities (Deri 2015, Robinson 2013, Bauer 2014, Munson and Stelboun 1999, Anderlini-D'Onfrio 2004, Adam 2010, Shernoff 2006). Polyamory cuts across different communities and countercultural settings and future research into poly parenting ought to explore the multiple intersections across different identities.

Pallotta-Chiarolli published a range of cutting-edge journal articles (2002, 2006, 2010) and book chapters (Pallotta-Chiarolli et al. 2013) and *Border Sexualities and Border Families in Schools* (2010a), an innovative book-long study, which is concerned with how bisexual students and poly and multisexual families experience educational institutions. In Pallotta-Chiarolli's view, bi and poly experiences and identities often overlap. Moreover, and maybe more importantly, she believes that irrespective of sexual identity, bisexual young people and members of poly families share a marginalised position as border dwellers. Both border sexualities and border families implicate insider and outsider perspectives that defy rigid categorisation. Pallotta-Chiarolli includes findings from several research projects that she conducted from the early 2000s. Pallotta-Chiarolli's discussion also includes examples regarding ethnic minority and Indigenous experiences. Methodologically the research includes a mixture of interviews, participatory observation, survey analysis, online research and cultural studies analysis of popular culture products. Her multimethod intersectional

approach provides a milestone in the research into consensual non-monogamy and polyamory.

Both researchers highlight positive aspects of poly parenting and emphasise the resilience and resistance of poly families in the face of oppression. In the following, I will draw on these major studies and further current research, including texts from within the European continent, to reflect upon salient aspects of poly parenting experiences.

Adults and Children – Patterns of Parenting

In theory, there are myriads of poly relationships since polyamory does not provide a mould or template. While a lot of research, activist and popular writing highlights the sheer diversity of poly practices (see Anapol, 2010), Sheff's study suggests that in many poly communities certain patterns prevail: 'The most common form of poly family seems to be an open couple with children (two people in a long-term relationship who often live together and have additional sexual relationships) and their attendant constellation of kin, both biolegal and chosen' (2014: 165). Her study testifies to the strong pull of the dyadic principle even within cultures that embrace CNM (Finn 2010), which is particularly strong in parenting relationships (Schadler 2013).

Sheff goes beyond merely documenting this trend by claiming that open relationships are also more stable than more complex networks: 'Open couples appear to identify as family for longer periods, than do other groupings, which are rarer and experience greater membership fluidity' (2014, 165). Sheff's discussion does reinforce the normativity of couple-based intimacies here. At the same time, Sheff shows that *triads*, *quads* or

moresomes (relationships with three, four, or more adults respectively) also raise children in groups (2016: 1). Similarly, Franklin Veaux and Eve Rickert (2014) suggest in their guidebook that there are many configurations, ranging from V relations (in which one person is partnered to two others who do not maintain a sexual relationship with each other) to triads, quants and quints and even larger live-in groups. Non-biological parents often get involved in co-parenting, which is described by Veaux and Rickert as being close to being a stepparent. Non-parental partners who are less closely involved are compared by Veaux and Rickert with uncles or aunties (2014: 268). Such terms – and other terms derived from well-known biological family configurations – are also used at times by children and parents within poly families (Sheff 2014). Children in Raven Kaldera's (2005) study of poly pagan communities used first names, nicknames or terms such as uncle, auntie, and sometimes also mom and dad, depending on the closeness of the parenting relationship (p. 98).

Making poly parenting relationships intelligible seems to depend on the usage of concepts that are familiar from better-known practices of monogamous parenting within in bio-legal family units. Such naming implies a *universalising gesture* – in the sense described by Eve Kosovsky Sedgwick (1995) – that highlights the similarity of poly relationships with other (culturally hegemonic) intimate and caring relationships and families. However, in some texts we also can identify *minoritising gestures*, such as Sheff's (2010, 2014, 2016) frequent comparisons of poly and lesbian parenting.

While in many poly families, children are aware of the nature of the intimate, loving, and/or sexual relationships among adult carers, some poly parents also decide to hide their love relationships outside of the core couple by treating partners as friends within the family circle. The usage of labels such as 'friend', 'auntie' or 'godparent' may thus in certain cases

also be stimulated by an attempt to disguising certain aspects of the relationships among adults in order not to overwhelm children and prevent excessive scrutiny and discrimination by outsiders.

It is important to realise that relationship statuses are marked by a certain extent of fluidity within the context of polyamory. The boundaries of families and the interpretation of kinship evolves through a process of negotiation. Jesse Matilainen (2012) reports in his anthropological research thesis on a small group of polyamorous people in Finland:

‘Friends became lovers, became flatmates, became husbands and wives, became co-parents, or uncles and aunts, became ex-partners maybe raising kids together, friends with benefits or just friends – again to potentially become lovers again. The list of relationship transformations was endless and always as unique as the personal situations of my informants’ (2012: 79).

At the same time, Matilainen emphasises that families that shared parenting responsibilities – or were conceived with the wish to raise children – tended to define relationships *with respect to the children*, which imposed certain limitations regarding spontaneity and fluidity of parenting poly intimacies (p. 65).

While at least some poly families consider their parenting a form of resistance to the gender normative regimes prevalent in late capitalism (Raab 2016, 2018), research into the everyday organisation of care suggests that patterns of gendered divisions of labour persist in many care networks (Sheff 2005, 2006 Raab 2018). Emancipatory poly parenting arrangements unfold within a terrain of cultural hegemonies shaped by sexist norms and practices and a neoliberal logic of flexibilization. Raab’s (2017) research in Germany suggests

that the bulk of care often remains within the responsibility in particular of biological mothers.

Poly Parenting Strategies –Polyaffectivity and Families of Choice

Sheff suggests that poly parenting reflects wider values within the poly community related to honesty and ‘building trust and intimacies through candid communication’ (2010: 181). Elisabeth Emens (2004) has argued that polyamory is based on a set of values that include radical honesty, consent, self-knowledge, self-possession and integrity. Poly parenting strategies reflect this relationship ethics and further follow the philosophy of *meeting a variety of needs through a variety of people*. According to Sheff, this allows for the possibility of particularly close intimacy between children and adults: ‘Polyamory, with its emphasis on communication and honesty, helps children in poly families to feel connected to their parents’ (2014: 195).

The principled openness to multiple partners, the recognition of non-exclusive emotional bonds and the aim not to restrict the flow of love and reciprocal attraction translates into a creative way of building extensive family networks. Poly families are prime examples of chosen families (Weston 1991, Weeks et al. 2001) – they are good at creating families outside or beyond biolegal ties. ‘By deemphasizing biolegal connections and embracing broader definition of family, both poly and lesbians demonstrate the resilience of polyaffectivity and chosen kinship’ (Sheff 2014: 180). According to Sheff, polyaffectivity is core to this process. She coined the term *polyaffective* to denote nonsexual relationships among people in poly relationships (2014: 5), designating a ‘kind of chosen kinship’ (2016:

1), such as, for example, the bond between a person and a partner of a partner (metamour) in a V relationship. While poly families may include also (parenting or non-parenting) friends, Sheff reserves the term for relationships that are not 'just' friends.

Sheff suggests that polyaffectivity is the stuff that really binds and holds poly parenting families together. It grows in and is sustained by the everyday intimacies of living together, the acts and symbols of care and affection. Sheff praises the ability of many poly people to embrace fluidity in relationships, to accept change or to actively shape and transform relationships (e.g. from partner/ lover into non-sexual friend and co-parent). Her research suggests that many polys have meaningful relations with ex-partners; some even question the adequacy of the term 'ex' at all. Poly folks seem to find it easier to move into and out of sexual relationships than serial monogamists (i.e. people who prefer monogamous intimacy, but may have a successive sequence of monogamous relationships throughout their life course).

In an autobiographical narrative in Wendy-O Matik's (2007) guidebook *Redefining Our Relationships*, poly mother Famous describes the need to 'keep the politics of parenting separate from the politics of being lovers' (2007: 58) as one of the most important realisations she made during the early period of poly parenting. 'Being a mother and father really has nothing to do with being in love with the same person forever' (2007: 58), she explains. Polyaffectivity can coexist with love, romance and sex, but it may also exist independent of each other. For Sheff (2014) polyaffectivity usually supersedes and outlives sexual attraction.

In many parts of her discussion, Sheff prioritises polyaffectivity over the sexual bonds within poly families. Sheff's strategic desexualisation of poly relationships also becomes obvious

also in the following quote: ‘Polyaffectivity, or the nonsexual emotional ties that bind people in poly families together, is far more important to the overall family connection than is any sexual connection among adults’ (Sheff 2014: 206/207). For Sheff, polyaffective bonds are also more durable and more stable than sexual attraction and erotic love: Sheff uses polyaffectivity to show that poly relationships provide unique avenues for creating novel forms of parenting intimacy. At the same time, the concept deflects from sexuality, creating a purified image of polyamory and poly families.

The close affiliation of polyamory with sexuality is one of its greatest problems, the deepest sources for the anxieties around stigmatisation of poly parenting. Damien Riggs (2010: 94) formulates this insight poignantly: ‘Non-monogamy (...) is largely depicted as an “immature”, “irresponsible” and selfish context in which to raise children – one in which children will suffer, leading to psychological harm’. The pressure to overtly desexualise poly relationships is most intensely felt around poly parenting. There is an urgent need for research that challenges the misrepresentations of CNM and polyamory as configurations that are damaging to children’s well-being. There is further need for contesting the ways in which sexualisation is used to stigmatise poly parenting without bowing to the pressures of.

In the following, I will look in closer detail at what researchers describe as benefits and advantages of poly parenting strategies. This will be followed by a discussion of common problems, many of which are not unique to polyamory and – as I will show – are rooted in social marginalisation and oppression.

Benefits of Polyamory

Many texts on poly parenting describe poly families as healthy, functioning and normal child-rearing relationships (Iantaffi 2006, Riggs 2010, Goldfeder and Sheff 2013, Sheff 2014).

‘Polyamory can be a tremendously positive thing for children. (...) Polyamory means there are more loving adults in the family. It allows children to see more examples of healthy, positive, loving relationships. It exposes children to the idea that love is abundant and can take many forms’ state Veaux and Rickert (2014: 267-68). What counts is communication, commitment, stability and not configuration. ‘A lifelong, live-in romantic dyad is *not* the only healthy or acceptable way to raise children’, the authors assert (2014: 269).

Many researchers aim to dispel the negative attitudes held with regard to poly and non-monogamous parenting within wider society. At the same time, they recognise that their respondents are under a tremendous pressure to describe their families in a positive light. Sheff (2014: 148) argues that ‘members of stigmatized groups often feel compelled to present the most positive image possible for their families in order to forestall any potential critique of poor or inappropriate (...). Often children, too, feel a strong pressure to appear as “normal” as possible to prove that their families are not dysfunctional’ (see also Pallotta-Chiarolli 2010a: 215).

This problem notwithstanding, existing research suggests that the members of poly families think that a set of benefits comes along with their family form. They include practical, material, emotional and personal advantages bound up with the availability of time, resources and an expanded diversity of parenting styles and role models.

Firstly, there is the issue of an enhanced potential for intimacy with children, which I have already discussed. Moreover, multiadult parenting networks can better meet the challenges of childrearing by sharing work, skills and money and other resources. 'From shared income to increased personal time for adults and more attention to children, having numerous adults in the family allows members to distribute tasks so that (ideally) no one person has to bear the brunt of family care' (2010: 173).

However, this does not mean that all adults always contribute to parenting in equal terms. Sheff (2010, 2014) suggests that in some cases individual family members specialise in child-care. Often this is only possible due to the current costs being met by multiple family incomes. The potential dependency and vulnerability of those who adopt the role of a homemaker and carer for children is discussed by Carrington (1999). However, Sheff mentions some cases in which those who invested in childcare ended up emotionally and financially devastated after family break ups (2014: 180). The class and gender dynamics that underpin such arrangements have not been explored sufficiently and need further study.

The advantage of multiple incomes (where ever it applies) can also create possibilities for time-outs for family members who suffer from burnouts, mental health problems, chronic illness or disability (Sheff 2014: 173 and 198-99). The class privilege shared by most participants in Sheff's study renders invisible the vulnerability of poorer poly parents that is aggravated by insufficient welfare provision, lack of housing, and the common ignorance and hostility within the social sector (see Klesse 2014).

Multiple adults' collaboration in parenting may have a range of advantages. Parenting roles often result in the isolation and lack of social or economic participation of those who engage

in care work. Parenting in a poly context may thus feel less isolating. More social stimulation may result in domestic roles feeling less boring (Sheff 2014: 197-98). As a result, poly parents may develop an expanded *ability to remain friendly* and relaxed with children (p. 205). Opportunities for parents to have more time off may increase their well-being and happiness. More *personal time* also means that poly people get more of their personal needs met (see Ritchie and Barker 2007, Easton and Liszt 1997). The involvement of more adults translates into more attention for the children. This does not only relate to the accumulation of more time-inputs by individuals, but also to the creation of an extended community around child-rearing families (Sheff 2014: 202). *It takes a village to raise a child*, is a common saying in many poly circles (Sheff 2010, Kaldera 2005, Pallotta-Chiarolli et al. 2013).

Multiadult parenting further increases role models for children (Sheff 2014: 203). Sheff is in particular interested in potential to transform gender relations this way. For example, some children may have two or more fathers Sheff further suggests that poly parenting – to the extent that it takes place in mixed-gender settings - allows men to assume new roles, e.g. as co-husbands, but also as fathers of children which are not their own biological offspring, a practice referred to as *otherfathering* (2014: 212-13). Creating the opportunities for men to assume non-normative roles within parenting can be transformative of masculinity: ‘far less familiar than co-wives and sister-wives, co-husbands (or even more awkwardly, brother-husbands) forge a new category of men rarely seen in society (...) Far from being rivals, some men in poly families have deeply supportive, emotionally intimate relationships with each other’ (Sheff 2014, 213). These arguments resonate with the suggestion made by Mimi Schippers (2016) that certain configurations of poly relationships (in particular, those

constellations that involve heterosexual-identified men who share a woman partner with another man allow men to transcend hetero-patriarchal patterns of jealousy and rivalry.

Yet there is also need for future research to explore the sexual diversity and fluidity in poly settings (in terms of both identity and erotic practice) which allows for the deconstruction of hegemonic masculinities and the creation of diverse masculinities that are not built in antagonism to care relationships.

Problems in Poly Parenting

Family members also talk about the difficulties of multiple parents raising children. In this section, I will concentrate on family-internal dynamics or issues that relate to the home or household organisation. I will then discuss legal, social and political problems that have an intense bearing on poly families' experiences. The family-internal problems (include questions of loss, social stigma, lack of space and an occasional hyper-intensity of family-internal relations, related to, for example supervision of children or family complexity (see Goldfeder and Sheff 2014, Sheff 2014)).

Children are affected by break ups, in particular if they have built a close bond with long-term parenting partners. Veaux and Rickert (2014) suggest that the loss of close adults in poly families has similar affects and dynamics to break ups in other 'blended families'. The larger number of partners involved and the greater fluidity in more complex (non-dyadic) multipartner relationships renders it more likely for children to experience such loss.

Problems raised by children in Sheff's study (2014) further include household crowding (strongly felt by teenagers who crave privacy) (pp. 241-42), jealousy among siblings (In

particular in blended and mixed parentage situations) (p. 244), or the need for children to adjust to different and at times changing parenting styles (p. 245). Children of multiple parents and adult carers at times also complain about too much supervision, which results in the shrinking of their private space or the time spent only with other children (pp. 252-54).

Other problems discussed by Sheff include the challenges of family complexity (e.g. the need to transform relationships not only in a one-to-one dynamic, but within complex networks which may have unforeseen ripples across several relations) or 'adult drama' which occurs in situations in which 'all of the extra communication and relational intensity translated to frequent arguments' (2014: 256).

Many poly families report negative reactions from *within their families of origin*. This may include the judgemental rejection of certain partners or parenting choices, the complete ostracising of poly family members, and interference in custody negotiations (Sheff 2014: 248-251). At times, poly families feel the need to adopt a strategy of secrecy in order to prevent family ruptures and discontinuities. Such strategies are also mentioned in Pallotta-Chiarolli's (2010a, 2013) research and will be discussed in a following section. Research indicates that worries about potential damages that stigmatisation may cause to the lives of their children is a major concern for many poly parents.

A sense of being stigmatised for being part of a non-normative family is a problem for some children in poly families. This may cause resentment, e.g. if the felt need for secrecy inhibits children to make friends. Sheff (2014) reports very negative reactions on the part of some teenagers who reject the lifestyle of their parents. The US Loving More survey of 2001/2002, which received more than 5,000 responses, reports that 15% of all parents

indicate having received negative responses from some of their children who were distressed about the non-normative character of their family (see Pallotta-Chiarolli 2002, 2006, 2013 for a discussion of this survey). The challenges faced by teenagers and young adolescents about being part of a poly family are also brilliantly described in Pallotta-Chiarolli's (2008) novel *I Love you Two*.

As said earlier, Sheff explicitly compares the discrimination experience of poly folks with that of lesbian people. 'There are tremendous similarities among poly and gay families, and both must contend with the impacts of the stigma associated with being sexual minorities' (2010: 177). She believes that poly families are at times saved from direct attacks only because their lifestyle is not fully understood. The fact that polyamory is not yet very well-known thus provides a protective buffer. Race and class privileges further shield many poly practitioners. Most of the existing studies on polyamory have sampled primarily white, middle or upper-class participants (see Noël 2006, Sheff and Hammers 2011).

However, knowing that their children may be exposed to bullying or the threat of being forcefully removed from their families due to the relationship choices of their parents, often installs feelings of guilt, self-doubt and resentment among poly-parents (Sheff 2010: 178, see also Pallotta-Chiarolli 2010a, Veaux and Rickert 2014). As a result, polyparents often adopt a hyper-cautious approach in order to protect their children. This includes careful information management not only with regard to family members, neighbours, institutions, but also their own children. Poly parents choose new partners very carefully and try to avoid any suspicion, e.g. by avoiding nudity in front of their children, or non-biological parents refraining from taking on childcare roles that may be read in sexualised ways by others – e.g. not bathing children (see Sheff 2014). Pallotta-Chiarolli talks of 'panopticonic self-

monitoring' to present oneself as perfect parents to deflect from critique and outward hostility (Pallotta-Chiarolli 2010a, Sheff 2010: 18).

Poly Parenting - Social and Legal Problems

Pallotta-Chiarolli (2010a: 233) argues that the problems for poly and multisexual families and bisexual young people stem primarily from the dynamics of power around three mechanisms related to (a) social ascription (labelling in institutions), b) the lack of community acknowledgement, and (c) the necessary articulation of personal agency (shaping space for one's survival or the subversion of the external status quo). Pallotta-Chiarolli's research shows to an even stronger extent than Sheff's work that the social stigmatisation of CNMs and polyamory translates into multiple forms of discrimination that undermine full participation in a range of social, legal, economic and institutional rights.

Emens (2004) has referred to the social and legal hostility towards CNM and poly families in the USA as the institutionalisation of 'compulsory monogamy'. According to her analysis, the socio-legal precarity of poly families stems from law-makers' investment in and commitment to the value of monogamy across different fields of law, including the confirmation of a couple-based, two person legal union through civil marriage (2004: 287) and the criminalisation or discrimination of CNMs through adultery and bigamy laws, residential zoning laws, and custody jurisdiction (p. 283). The lack of legal recognition of poly families and the non-intelligibility or non-recognition of complex poly parenthood has been subject to extensive legal critique, referring to different jurisdictions (Tweedy 2011, Pérez Navarro 2017, Klesse 2016).

For example, Pablo Pérez Navarro (2017) argues that Spanish law enshrines monogamous interpretations of the family and of kinship through filiation laws, marriage laws and health and insurance benefits for married couples. Similarly, monogamy has also been held high as a core value of the definition of marriage and proper family in Portuguese law, even at times when traditional definitions of marriage were challenged by the same-sex marriage rights movement. Mainstream movement actors from within LGBT movements took care to set themselves apart from poly activists in order not to taint their struggle for rights with the stigma of non-monogamy (Santos 2013, Cardoso 2014).

Although there have been significant changes in Portuguese family and criminal laws reflecting a greater acceptance of sexual and relational diversity, there has been no legal provision that recognise the (parenting or non-parenting) relationships of people who engage in simultaneous relationships (Santos 2016, this special issue).

Most countries lack legal recognition of poly or multipartner families, anti-polygamy laws are in place in many countries, and laws may target consensually non-monogamous families through regulations regarding (among others) cohabitation or adultery. These conditions apply to many federal states in the United States. This notwithstanding, Goldfeder and Sheff (2013) argue that both *de facto* polyamory and multiparent networks derived from serial monogamy do enjoy at least some legal protections (pp. 169-171). Similarly, Nathan Rambukkana (2015) who comments on the socio-legal situation in Canada, suggests that polyamory can be considered privileged if compared with other consensual non-monogamies (such as formalised conventional polygamy), both in terms of its perception in the public sphere and its legal standing (see Rambukkana 2015, Lenon 2016). Michael Raab's (2017) research in Germany, too, suggests that although discriminatory regulations are in place in labour and welfare regulations and the laws defining parenthood (beyond the

obvious absence of the right for civil marriage between multiple partners), many poly parents raise children without hostile intervention by state agencies.

Although some research (such as Raab's) compares poly parenting experience with the ones made by monogamous patchwork families (shaped by processes of separation and re-partnering), a range of legal problems prevails. US legal history has shown that poly parents may risk losing custody if ex-spouses disapprove of their lifestyle or if judges consider poly households as inappropriate places for raising children (Emens 2004: 443/444). Aviram and Leachman (2015) argue that the threat bound up with the awareness of custody decisions against poly parents' interests has inhibited poly parents in the USA from taking the step towards visible forms of activism for family recognition. According to Sheff (2016), custody challenges have been launched under the following circumstances: (a) ex-spouses from previously monogamous unions seek or contest custody on moral grounds, (b) families of origin, e.g. grandparents, feel the need to intervene, break up poly families and arrange alternative child care for the children, (c) Child Protective Services (CPS) investigate and intervene. A problem consists in a lack of competence of CPS workers who are not experienced to deal with poly families, and who may have judgemental attitudes and perceive the family structure as too complicated (Sheff 2014: 225-231).

Pallotta-Chiarolli's (2010a) research in Australia documents that racism may aggravate state scrutiny and increase the threat of state intervention. Aboriginal polygamous family members thus report that they have to carefully disguise real kinship relations at school and in contact with other official institutions. This is a necessary means of protecting their families against destructive interferences in Aboriginal family practices that have a long history of Australian settler colonialism's politics of white supremacy. Pallotta-Chiarolli further suggests that adequate knowledge on Aboriginal, Muslim or African polygamies is

lacking in educational settings. Some polyamorous or polygamous families custody rights are also infringed by the nation state's immigration laws (see Rambukkana 2015).

The risk of losing custody for children is only one legal risk implicated in what Emens (2004) has referred to as 'monogamy's law'. Sheff (2014) discusses cases in which parents have not only been discriminated in custody decisions, but also been threatened with persecution through adultery laws and investigation by DFCS [Division of Family and Children Services (DFCS)] (p. 233). In the case of one family, a married couple that has been part of a multiple relationship formation even felt compelled to consider divorce in order to diminish the risk of persecution of family members on the grounds of legal offences codified in the adultery laws of their state of residence. Paradoxically, even after this action, stepfamily members remained vulnerable to legal charges, e.g. regarding the misdemeanours of fornication or regular cohabitation (2014: 234). This case illustrates the threat and anxiety caused by inflexible parenting laws or hostile criminal laws.

The absence of any legal recognition forces people to draw up their own paperwork to regulate important family matters, such as the rights of non-biological parents after the death of biological parents. Poly families set up corporations and trusts to arrange tax regimes, child custody and medical power of attorney, inheritance and property ownership (Ertman 2004). Contract law is recommended as a solution for creating legal security in poly self-help books (Benson 2008) and by lawyers who have specialised in supporting poly families. Some scholars suggest that contract law and cooperation could pave the way to the full legal status of multipartner families (Scott and Robert 2015).

However, the downside of the contract law approach is that it depends on extensive legal documentation that is very costly (Sheff 2014: 173). Some authors also caution that

contracts may not hold in court, in particular if biological kin decide to contest such regulations, e.g. around custody arrangements (Kaldera 2005).

There has been a long-standing effort among supportive legal scholarship to conceive of alternative, non-marital legal frameworks of recognising and safeguarding caring relations within poly families (Ertman 2004, Scott and Robert 2015, Brake 2013). While the polyamory movement has for a long time shown no interest in formalised multipartner civil marriage rights, this has changed more recently, at least in the USA and Australia, as well as in some Scandinavian and Latin American countries (e.g. Sweden and Colombia respectively), where the marriage equality movement had made major inroads with regard to the question of same-sex and/or polygamous marriage (Aviram and Leachman 2015, Fischel 2016, Klesse 2016). The question which form legal recognition of CNM and poly intimacies and families may take remains an important topic for future research.

Stigma, Stigma Management – *Passing* – *Bordering* - *Polluting*

The discussion so far has shown the prevalence of legal discrimination and social stigmatisation of poly families with children in many countries. According to Pallotta-Chiarolli (2010a, 2010b), different families – and different family members – develop different strategies. Many research participants explained that *passing* would be the most suitable response to protect the family unit and the well-being of younger children. Passing in this context means not revealing the polyamorous aspect of the family constellation by not emphasising the amorous or sexual nature of some of the adult relationships or by disguising multiple parenthood. This strategy is experienced by many as resulting in

invisibility, assimilation and compliance with mononormative standards. Other families decide to embark on a difficult and complex strategy of *bordering* by mediating carefully the different behavioural requirements and/or possibilities of different public and private spheres. Careful balancing and negotiation may involve shape-shifting and calculated acts of risk-taking resulting in temporary relief and the emergence of (contained) spaces for self-expression. Other families take a more radical or militant approach of *polluting* that includes acts of self-assertion, non-compliance or transgression, aimed at politicising public environments, such as schools, the social services and local authorities about poly difference (see Pallotta-Chiarolli 2010a: 26). Honesty or 'candid self-revelation' can be experienced as a 'marker of integrity' and pride (Sheff 2010: 180). Kaldera (2005), too, argues that radical openness is the only strategy that allows parents and children to keep their dignity (2005: 101).

Pallotta-Chiarolli (2010a) is keen to highlight in her discussion that the boundaries between *passing*, *bordering* and *polluting* are fluid. Referring to the work of (among others) Sedgwick (1995) and Diana Fuss (1991), she points to the ambiguity inherent to strategies such as coming-out, concealment or closeting. All these strategies are fraught with tensions and contradictions and imply specific forms of government. She illustrates this by bringing the metaphor of the 'closet' into symbolic interaction with the image of the 'clothesline'.

'A well-known metaphor is the gay-liberationist construction of the closet as allowing for "passing" while concealing a deviant secret, set alongside my metaphor of the clothesline, whether all is supposedly clean and on display – or polluting the visual/visible landscape. (...) The relationship between passing (the closet) and polluting (the clothesline) are intertwined with the multiple within the closet and the

multiple on the clothesline, and the fact that the “garments” on each travel between, within, and beyond both closet and clothesline. Both the closet and clothesline conflate a person as both Marginal and Central, as “the open secret” within a heteronormative culture (Sedgwick 1993: 224)’ (Pallotta-Chiarolli 2010a: 63).

She gives the example that some poly families in her study were very much aware that ‘coming out’ may at the same time may raise pressure to mimic a perfect family life in certain settings (p. 214). This ambiguity notwithstanding, daring disclosure and visibility on parts of poly families has raised social awareness of consensual non-monogamy and polyamory as an important feature of family diversity.

Conclusion

Research into parenting poly and multipartner families is scarce. The studies conducted so far largely reflect parenting experiences in Anglo-lingual societies, most of all in the USA. More research into polyamory and parenting is urgently needed. Although research into polyamory has been burgeoning in Europe, there has so far been no large scale engagement with questions of parenting, apart from some pioneering smaller studies (Raab 2017, 2018, Schadler 2015, Luz 2017). Mononormativity, sex negativity, and the prevalence of a harm paradigm with regard to the representation of children in multipartner parenting families result in the stigmatisation of poly families, which threatens their stability and well-being. We urgently need non-biased and non-judgemental research into CNMs, polyamory and childcare in order to enhance the visibility of and understanding for different parenting and family practices. This will help to challenge and correct the misrepresentation of poly

families in the media and popular culture and develop poly family-friendly health, welfare and legal services (Pallotta-Chiarolli et al 2013). It will also provide the groundwork for having a conversation about adequate provisions for poly and other non-conventional care relationships from the angles of the law and social policy. There is an urgent need for the full social, cultural, political and legal recognition of CNMs and poly and multipartner forms of parenting. There is a lack of conceptual and political clarity with regard to what kinds of legal frameworks could account for the cultural distinctiveness – and inherent diversity – of polyamorous family practices, and which solutions would serve best a social justice agenda. I agree with those who believe that demands for marriage equality will not be able to achieve proper inclusivity (see Polikoff 2009, Brake 2013, Klesse 2016). The recognition of non-monogamous and polyamorous relationships and families demands no less than the thorough reformulation of our understanding of citizenship (see also Santos 2016, this special issue).

The research that exists suggests that poly parenting provides vibrant, innovative and creative approaches to intimacy, parenting and care work. It also attests to the enormous resilience and creative resistance of poly families (Pallotta-Chiarolli 2010a, 2010b, Pallotta-Chiarolli et al. 2013). Sheff (2014) rightly argues that monogamous parents may be able to learn and benefit from some of the experiences and skills that come along with the specific possibilities, dynamics and challenges of poly parenting. While it is of great importance that the wider public takes notice of and educate themselves about polyamorous ways of life, there is also a risk that researchers into poly parenting, too, get entangled in contradictory postures of asserting difference while painting the image of the 'perfect family' model. We need research that does not succumb to producing neat positive images and that addresses

questions of inequality around class, gender, sexuality and the organisation of care work (Klesse 2014). With the notable exception of Pallotta-Chiarolli's (2010a, 2010b) work that addresses questions of bisexuality full-on, research on poly parenting tends to zoom in on non-heterosexual experiences of poly parenting. It would be nice to see a more upfront engagement with LGBTQ family practices in the work on CNM, polyamory and parenting. The integration of research into poly families and LGBTQ families is currently hampered in *both academic fields* (see Pallotta-Chiarolli 2013). Queer perspectives would enrich and engender research into polyamory and parenting. Schippers (2016) has directed attention to the inherent potential of 'polyqueer sexualities to undo and reorganize the structure of relationships, erotic interactions, and the gendered self' (p. 12). As it has been evidenced in research into polyaffectivity and gendered subjectivity (Sheff 2014), *polyqueer parenting relationships* also have this potential. Hegemonic representations of family life come along with rather narrow understandings of love among partners and ideal-typical notions of parental roles. Talking generically of *poly families* – as much of the research does – risks narrowing the analytical imaginary, which needs to be wide open to capture the full range of polyqueer affectivity. David Morgan (2011) has suggested to stop talking about *the family* by shifting the conversation to 'family practices' to avoid the normativity trap. Sasha Roseneil (2007) argues that this may not go far enough, because the imaginary bound up with references to the family has remained 'undergirded by heteronormative assumptions' (e.g. about love, sexuality, monogamy, heterosexual cohabitation, biological children, etc.). For Roseneil, contemporary intimacies are best understood through an 'exploration of *networks and flows of intimacy and care*, the extent and pattern of such networks, the viscosity and velocity of such flows, and the implications of their absence'. Flows and networks of intimacy and care allude to practice, configuration, but also to affective

qualities that establish 'ties that bind'. Following the lines of Roseneil's argument, I would like to propose the usefulness of the concept 'queer bonds' to think through polyqueer parenting relationships and arrangements. Joshua J. Weiner and Damon Young (2011) offer this concept as an alternative to dominant understandings of intimacy, community or sociality. The notion of 'queer bonds' assumes connectivity *without being prescriptive about the specific nature of its dynamics and texture*. According to Juana Maria Rodriguez (2011), it can stretch to capture the calls for recognition of incommensurate and irreducible differences. It thus lends itself to think of the multitude of *emotional, interactional and material connections* in parenting poly or multipartner relationships. A focus on the 'queer bonds' of poly parenting allows for the development of a comprehensive research agenda that can foreground productive destabilisation, while avoiding sentimentality or idealisation.

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